

2013 DRAFTING REQUEST

Bill

| | | | |
|--------------|--------------------------------------|------------------|------------------|
| Received: | 8/16/2013 | Received By: | rkite |
| Wanted: | As time permits | Same as LRB: | |
| For: | Erik Severson (608) 267-2365 | By/Representing: | AJ Scholz |
| May Contact: | | Drafter: | rkite |
| Subject: | Nat. Res. - boats snomos ATVs | Addl. Drafters: | |
| | | Extra Copies: | |

Submit via email: **YES**
 Requester's email: **Rep.Severson@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Definition changes for ATVs and UTVs

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--------------------|----------------------|----------------------|----------------|----------------------|----------------------|-----------------|
| /? | rkite 8/19/2013 | | | _____ | | | |
| /P1 | rkite 9/9/2013 | evinz 8/26/2013 | jmurphy 8/26/2013 | _____ | lparisi 8/26/2013 | | |
| /1 | | scalvin 9/11/2013 | jmurphy 9/11/2013 | _____ | mbarman 9/11/2013 | lparisi 9/11/2013 | |

FE Sent For:

→ not
needed

<END>

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| /? | rkite 8/19/2013 | | | | | | |
| /P1 | rkite 8/22/2013 | evinz 8/26/2013 | jmurphy 8/26/2013 | | lparisi 8/26/2013 | | |

FE Sent For:

/1 sac
09/11/2013

9/11
<END>

9/11

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|--------------|----------------|--------------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | rkite | 1pl eev 8/22/13 | Jim 2/26 | Kim 8/26 | | | |

FE Sent For:

<END>

Kite, Robin

From: Scholz, AJ
Sent: Thursday, August 15, 2013 11:35 AM
To: Kite, Robin
Subject: RE: Definition of ATV

Hello Robin,

We do not want to retain any of the changes from the original draft, so maybe it would be best to just start over with a new draft, with the language that I provided you in my last email. Thank you for your help with this, I really appreciate it.

Sincerely,

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Kite, Robin
Sent: Tuesday, August 13, 2013 3:57 PM
To: Scholz, AJ
Subject: RE: Definition of ATV

AJ:

Do you want to retain any of the other changes in LRB-1534. That is, do you want to keep the changes that were made to the definition of a "low pressure tire" and "small all-terrain vehicle"? Regardless of your decision, I can just redraft LRB-1534 even if it means changing it in its entirety.

Thanks.
Robin

From: Scholz, AJ
Sent: Tuesday, August 13, 2013 2:43 PM
To: Kite, Robin
Cc: Froelich, Brooke
Subject: Definition of ATV

Hello Robin,

Previously you had worked with us on drafting LRB 1534/3 about altering the definition of an ATV. After some discussions we have decided to alter our request for what the definition might look like. Below is some draft language for what we would like. I don't know which would be easiest for you, to alter the pre-existing draft LRB 1534 or to simply start from scratch with a new draft, but we are open to either.

Our office is working with Brooke in Sen. Harsdorf's office to get this bill drafted, so please feel free to contact either one of us with questions. Thank you for your assistance.

Amend 340.01(2g)

(2g) "All-terrain vehicle" means an engine - driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator-and which is designed by the manufacturer to travel on 3 or more low-pressure or non-pneumatic tires.

Additional definition in 340.01

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33(1)(ng)

(ng) "Utility terrain vehicle" means any of the following:

1. A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - a. A net weight of less than 2,000 pounds.
 - b. Four or more low-pressure or non-pneumatic tires.
 - c. A cargo box installed by the manufacturer.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - i. Seats for at least 2 occupants, all of which seating is Manufactured with a seat for each occupant.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A motor driven device that has a net weight of more than 900 pounds, that is originally manufactured with a width of 50 inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on 3 or more low-pressure or non-pneumatic tires.

Additional definition in 23.33

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33

3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

Kite, Robin

From: Scholz, AJ
Sent: Monday, August 19, 2013 9:38 AM
To: Kite, Robin
Subject: RE: Definition of ATV

Hello Robin,

Yes that is the intent to prevent the vehicle from being altered. Please feel free to give our office a call if you would like more clarification on this issue.

Thanks for your help

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Kite, Robin
Sent: Friday, August 16, 2013 1:33 PM
To: Scholz, AJ
Subject: RE: Definition of ATV

AJ:

I think one of the changes to the UTV definition in your instructions will need to be changed. The instruction is to provide that a UTV must be "manufactured with a seat for each occupant". I'm not sure how the manufacturer would know how many occupants will be in the vehicle. Do you mean to say that the vehicle may not be altered so that it has more seats than as originally manufactured? Give me a call so that we can discuss this item.

Thanks.
Robin

From: Scholz, AJ
Sent: Thursday, August 15, 2013 11:35 AM
To: Kite, Robin
Subject: RE: Definition of ATV

Hello Robin,

We do not want to retain any of the changes from the original draft, so maybe it would be best to just start over with a new draft, with the language that I provided you in my last email. Thank you for your help with this, I really appreciate it.

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Our office is working with Brooke in Sen. Harsdorf's office to get this bill drafted, so please feel free to contact either one of us with questions. Thank you for your assistance.

Amend 340.01(2g)

(2g) "All-terrain vehicle" means an engine - driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator-and which is designed by the manufacturer to travel on 3 or more low-pressure or non-pneumatic tires.

Additional definition in 340.01

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33(1)(ng)

(ng) "Utility terrain vehicle" means any of the following:

1. A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A net weight of less than 2,000 pounds.
 - b. Four or more low-pressure or non-pneumatic tires.
 - c. A cargo box installed by the manufacturer.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - i. Seats for at least 2 occupants, all of which seating is Manufactured with a seat for each occupant.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A motor driven device that has a net weight of more than 900 pounds, that is originally manufactured with a width of 50 inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on 3 or more low-pressure or non-pneumatic tires.

Additional definition in 23.33

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33

3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

AJ Scholz

Office of Representative Erik Severson

608-267-2365

221 North, State Capitol

Kite, Robin

From: Scholz, AJ
Sent: Thursday, August 22, 2013 8:19 AM
To: Kite, Robin
Cc: Hines, Kory
Subject: ATV Bill

Hello Robin,

I apologize for all the changes and alterations to this ATV draft that you are working on for us. We have a few more things that our offices wants to add as well. Here is everything that we would like to see in a bill draft.

Amend 340.01(2g)

(2g) "All-terrain vehicle" means an engine— motor driven device designed and commercially manufactured which has a net dry weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less in width, which is equipped with a seat designed to be straddled by the operator, and which is designed by the manufacturer to travels on 3 or more low-pressure or non-pneumatic tires.

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 - i. Seats for at least 2 occupants, all of which seating is Manufactured with a seat for each occupant.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
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Additional definition in 23.33

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Amend 23.33

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Please let either Kory in Sen. Harsdorf's office or I know if you have questions about any of these provisions.

Thanks for your help on this, again I apologize that the drafting request keeps changing.

Sincerely,

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

Kite, Robin

From: Scholz, AJ
Sent: Thursday, August 22, 2013 9:32 AM
To: Kite, Robin
Cc: Hines, Kory
Subject: RE: ATV Bill

Hello Robin,

- 1) This was requested by the DNR to eliminate the requests they receive to register homemade vehicles that fit the definition specs of an ATV or UTV, however don't have the proven safety features and testing the commercially manufactured vehicles must have.
- 2) Same as number one, yes the intent is that the manufactured vehicles would have to fit the definitions outlined in statute to avoid these homemade vehicles.
- 3) Dry weight is the vehicle devoid of any fluids, such as gas, or cargo. In speaking with the DNR, their current practice is to use the manufacturer listed dry weights when registering vehicles, not the net weight which would be higher when you include things like oil and gas. Since this seems to be the DNR's current practice, we wanted to match this to statutes.

I hope that helps to explain everything. Let me know if you have any follow-up questions.

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Kite, Robin
Sent: Thursday, August 22, 2013 9:06 AM
To: Scholz, AJ
Cc: Hines, Kory
Subject: RE: ATV Bill

AJ:

As I look at these changes, I have some questions:

1. With regard to the addition of the phrase "designed and commercially manufactured", what is intended by the use of the word, "commercially"? Wouldn't all ATVs be manufactured commercially? I want to make sure I understand what that term is intended to mean.
2. Because of the placement of the phrase "designed and commercially manufactured" the language of the draft would provide that the ATV must be designed and commercially manufactured but the other requirements do not have to be met at the time the ATV is commercially manufactured. Is it your intention that the ATV be designed and manufactured to meet the other requirements in the definition? For example, must it be designed and manufactured to have a "dry weight" of 900 pounds or less? Must it be designed and manufactured to operate with 3 or more low-pressure tires? If so, I will need to restructure these provisions to clarify the issue.
3. What is a "dry" weight? How is different than a "net" weight?

Thanks.
Robin

From: Scholz, AJ
Sent: Thursday, August 22, 2013 8:19 AM
To: Kite, Robin
Cc: Hines, Kory
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Amend 340.01(2g)

(2g) "All-terrain vehicle" means an engine— motor driven device designed and commercially manufactured which has a net dry weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less in width, which is equipped with a seat designed to be straddled by the operator, and which is designed by the manufacturer to travels on 3 or more low-pressure or non-pneumatic tires.

Additional definition in 340.01

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33(1)(ng)

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 - a. A net dry weight of less than 2,000 pounds or less.
 - b. Four or more low-pressure or non-pneumatic tires.
 - c. A cargo box installed by the manufacturer.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
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 - h. A width of not more than 65 inches.
 - i. Seats for at least 2 occupants, all of which seating is Manufactured with a seat for each occupant.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
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Additional definition in 23.33

(XX) "Non-Pneumatic Tire (NPT)" means a tire that has a minimum width of 6 inches and that is designed by the manufacturer with a reinforced structure designed not to require inflated pressure.

Amend 23.33

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Please let either Kory in Sen. Harsdorf's office or I know if you have questions about any of these provisions.

Thanks for your help on this, again I apologize that the drafting request keeps changing.

Sincerely,

AJ Scholz

Office of Representative Erik Severson

608-267-2365

221 North, State Capitol



500w
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2944/P1

RNK.:.....
leev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

SAJ
xref
In
8/22

- 1 AN ACT ^{Gen cat}; relating to: the definitions of an all-terrain vehicle and a utility
2 terrain vehicle, restrictions on operating an all-terrain vehicle or a utility
3 terrain vehicle on a roadway, and seating requirements for utility terrain
4 vehicles.

three

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Current law provides that a device qualifies as an ATV or a UTV if it meets certain requirements. Among the requirements for an ATV is that it is designed by the manufacturer to travel on 3 or more low-pressure tires. A UTV must be originally manufactured with 4 or more low-pressure tires. This bill changes these tire requirements so that the tires may also be non-pneumatic tires. The bill provides that a non-pneumatic tire is a tire that, as designed by the manufacturer, has a minimum width of 8 inches, has a reinforced structure, and is not supported by air pressure. The bill also provides that in order to qualify as an ATV or UTV, the vehicle must have been commercially manufactured with the requisite specifications.

Current law requires a UTV to have seats, designed not to be straddled, for at least 2 occupants. This bill eliminates this requirement. The bill also prohibits a

two

person from operating a UTV with a passenger riding on a seat that is not original to the UTV as manufactured.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (1) (iq) of the statutes is created to read:

2 23.33 (1) (iq) "Non-pneumatic tire" means a tire that is designed by the
3 manufacturer to meet all of the following requirements:

4 1. To have^a minimum width of 6 inches.

5 2. To have a reinforced structure.

6 3. To not be supported by air pressure.

7 **SECTION 2.** 23.33 (1) (ng) 1. a. of the statutes is amended to read:

8 23.33 (1) (ng) 1. a. A net weight, without fluids, of less than 2,000 pounds or
9 less.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

10 **SECTION 3.** 23.33 (1) (ng) 1. b. of the statutes is amended to read:

11 23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

12 **SECTION 4.** 23.33 (1) (ng) 1. i. of the statutes is repealed.

13 **SECTION 5.** 23.33 (1) (ng) 2. of the statutes is amended to read:

14 23.33 (1) (ng) 2. A commercially designed and manufactured motor driven
15 device that has a net weight, without fluids, of more than 900 pounds, ~~that is~~
16 ~~originally manufactured with~~ has a width of 50 inches or less, ~~that is~~ equipped with
17 a seat designed to be straddled by the operator, and ~~that is designed by the~~
18 ~~manufacturer to travel~~ travels on 3 or more low-pressure tires or non-pneumatic tires

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

1 **SECTION 6.** 23.33 (3e) of the statutes is created to read:

2 **23.33 (3e) NONORIGINAL SEATING.** No person may operate a utility terrain
3 vehicle with a passenger riding on a seat that is not original to the utility terrain
4 vehicle as manufactured.

5 **SECTION 7.** 23.33 (4) (d) 3. of the statutes is amended to read:

6 **23.33 (4) (d) 3.** To cross a bridge, culvert, or railroad right-of-way. The crossing
7 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is
8 officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing
9 is authorized only if the crossing is done in the most direct manner practicable, if the
10 crossing is made at a place where no obstruction prevents a quick and safe crossing,
11 and if the operator stops the vehicle prior to the crossing and yields the right-of-way
12 to other vehicles, pedestrians, and electric personal assistive mobility devices using
13 the roadway.

NOTE: NOTE: Missing text is shown in brackets. Corrective legislation is pending. NOTE:

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2012 a. 15, 20; s. 13.92 (1) (bm) 2.

14 **SECTION 8.** 340.01 (2g) of the statutes is amended to read:

15 **340.01 (2g) "All-terrain vehicle"** means ~~an engine-driven~~ a commercially
16 designed and manufactured motor-driven device ~~which that~~ has a net weight,
17 without fluids, of 900 pounds or less, ~~which is originally manufactured with~~ has a
18 width of 50 inches or less, ~~which is~~ equipped with a seat designed to be straddled by
19 the operator, and ~~which is designed by the manufacturer to travel~~ travels on 3 or
20 more low-pressure tires or non-pneumatic tires.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2012 a. 39; s. 13.92 (2) (i).

21 **SECTION 9.** 340.01 (36r) of the statutes is created to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2944/7dn

RNK:.....

date

This draft is in preliminary form to facilitate any redrafting that you might require.

Please note that I have changed the definition of "non-pneumatic tire" to be more consistent with the definition that seems to be more generally accepted. Please let me know if this change is acceptable.

Also note that I have placed the requirement that UTVs have original seating in a separate provision rather than in the definition of a UTV. This is because the seating requirement is a substantive one, and it is generally preferable not to include substantive provisions of this type in a definition.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2944/P1dn
RNK:eev:jm

August 26, 2013

This draft is in preliminary form to facilitate any redrafting that you might require.

Please note that I have changed the definition of "non-pneumatic tire" to be more consistent with the definition that seems to be more generally accepted. Please let me know if this change is acceptable.

Also note that I have placed the requirement that UTVs have original seating in a separate provision rather than in the definition of a UTV. This is because the seating requirement is a substantive one, and it is generally preferable not to include substantive provisions of this type in a definition.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

LRB-2944

Redraft instructions from Cory in Rep
Harsdorf's office

amend 23.33(1)(ng) 1. to insert "commercially
designed and manufactured" as in sub. 2

amend 23.33(1)(ng) 2. so that it can
weigh not more than 2,000 pounds

Page 3, line 2 - clarify so that no person
can ride on a seat that is not original
(i.e. not just passenger)

Page 3, line 15 - strike "net"

told Cory that someone in Rep Severson's
office would have to call me to
instruct me to do this redraft since
this is Severson's bill

Kite, Robin

From: Scholz, AJ
Sent: Monday, September 09, 2013 6:45 AM
To: Kite, Robin
Cc: Hines, Kory
Subject: LRB 2944

Hello Robin,

There are some minor changes we would like to make to LRB 2944 relating to definition changes for ATVs and UTVs below. Please feel free to contact either myself or Kory Hines in Sen. Harsdorf's office if you have any questions or concerns.

We missed inserting the "commercially designed and manufactured" wording into the UTV definition. It is drafted to insert this language in the ATV definition only in the current draft form. Please add to the UTV definition

We would like a top weight of 2000 lbs. added to part 2 of the UTV definition. (Page 2 line 15)

Please change "a passenger riding" and replace it with "riders". (Page 3 line 2)

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

9/9/13
Talked to AJ &
Kory -
Agreed w/ my
suggested language
RNE

Kite, Robin

From: Kite, Robin
Sent: Monday, September 09, 2013 2:57 PM
To: Scholz, AJ
Cc: Hines, Kory
Subject: LRB-2944

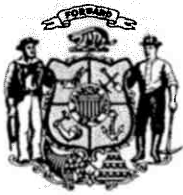
AJ:

I have redrafted this proposal so that the language is clear that both the operator and the other occupants of a UTV must be seated on original seats. I made other changes to the draft to improve readability and revised the analysis to correct some errors. Once you are satisfied with the draft, please let me know so that I can proceed to draft the companion for Sen. Harsdorf.

Thanks.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291



Wanted 9/12
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2944/01

RNK:eev/jm

256C

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
9/9

2013 BILL

TODAY

regen. cat.

- 1 AN ACT *to repeal* 23.33 (1) (ng) 1. i.; *to amend* 23.33 (1) (ng) 1. a., 23.33 (1) (ng)
2 1. b., 23.33 (1) (ng) 2., 23.33 (4) (d) 3. and 340.01 (2g); and *to create* 23.33 (1)
3 (iq), 23.33 (3e) and 340.01 (36r) of the statutes; **relating to:** the definitions of
4 an all-terrain vehicle and a utility terrain vehicle, restrictions on operating an
5 all-terrain vehicle or a utility terrain vehicle on a roadway, and seating
6 requirements for utility terrain vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Current law provides that a device qualifies as an ATV or a UTV if it meets certain requirements. Among the requirements for an ATV is that it is designed by the manufacturer to travel on three or more low-pressure tires. A UTV must be originally manufactured with four or more low-pressure tires. This bill changes these tire requirements so that the tires may also be non-pneumatic tires. The bill provides that a non-pneumatic tire is a tire that, as designed by the manufacturer, has a minimum width of six inches, has a reinforced structure, and is not supported by air pressure. The bill also provides that in order to qualify as an ATV or UTV, the vehicle must have been commercially manufactured with the requisite specifications.

Under current law, requires a UTV to have seats, designed not to be straddled, for at least two occupants. This bill eliminates this requirement. The bill also prohibits

INS.
ANAL.B

Under

INS
ANAL
A

that meets certain requirements must
The bill does not change current law that requires certain other UTVs to have a seat designed by the operator to be straddled.

a person from operating a UTV ~~with a passenger riding on~~ a seat that is not original to the UTV as manufactured.

while seated on or allowing other occupants to be seated on

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (1) (iq) of the statutes is created to read:

2 23.33 (1) (iq) "Non-pneumatic tire" means a tire that is designed by the
3 manufacturer to meet all of the following requirements:

4 1. To have a minimum width of 6 inches.

5 2. To have a reinforced structure.

6 3. To not be supported by air pressure.

7 **SECTION 2.** 23.33 (1) (ng) 1. a. of the statutes is amended to read:

8 23.33 (1) (ng) 1. a. A net weight, without fluids, of less than 2,000 pounds or
9 less.

10 **SECTION 3.** 23.33 (1) (ng) 1. b. of the statutes is amended to read:

11 23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires.

12 **SECTION 4.** 23.33 (1) (ng) 1. i. of the statutes is repealed.

13 **SECTION 5.** 23.33 (1) (ng) 2. of the statutes is amended to read:

14 23.33 (1) (ng) 2. A commercially designed and manufactured motor driven
15 device that has a net weight, without fluids, of more than 900 pounds, ~~that is~~
16 ~~originally manufactured with~~ has a width of 50 inches or less, ~~that is~~ equipped with
17 a seat designed to be straddled by the operator, and ~~that is~~ designed by the
18 ~~manufacturer to travel~~ travels on 3 or more low-pressure tires or non-pneumatic
19 tires.

20 **SECTION 6.** 23.33 (3e) of the statutes is created to read:

Unless he or she, and every occupant of the utility terrain vehicle, is seated

23.33 (3e) ~~NON~~ORIGINAL SEATING. No person may operate a utility terrain vehicle ~~with a passenger riding~~ on a seat that is ~~not~~ original to the utility terrain vehicle as manufactured.

SECTION 7. 23.33 (4) (d) 3. of the statutes is amended to read:

23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

SECTION 8. 340.01 (2g) of the statutes is amended to read:

340.01 (2g) "All-terrain vehicle" means ~~an engine-driven~~ a commercially designed and manufactured motor-driven device which that has a ~~net~~ weight, without fluids, of 900 pounds or less, ~~which is originally manufactured with~~ has a width of 50 inches or less, ~~which is equipped with a seat designed to be straddled by the operator, and which is designed by the manufacturer to travel~~ travels on 3 or more low-pressure tires or non-pneumatic tires.

SECTION 9. 340.01 (36r) of the statutes is created to read:

340.01 (36r) "Non-pneumatic tire" means a tire that is designed by the manufacturer to meet all of the following requirements:

(a) To have a minimum width of 6 inches.

(b) To have a reinforced structure.

1 (c) To not be supported by air pressure.

2 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2944/lins.
RNK:.....

INSERT ANALYSIS

INS. ANAL A



INS. ANAL B

md
A UTV must be either originally manufactured with four or more low-pressure tires or be designed by the manufacturer to travel on 3 or more low-pressure tires depending on whether the UTV meets certain other requirements.

Under current law, a device qualifies as a UTV if it weighs more than 900 pounds and meets certain other requirements. This bill specifies that a device does not qualify as a UTV unless it also weighs no more than 2000 pounds.

INSERT 2-6

x

- 1 **SECTION 1.** 23.33 (1) (ng) 1. (intro.) of the statutes is amended to read:
- 2 23.33 (1) (ng) 1. (intro.) A commercially designed and manufactured motor
- 3 driven device that does not meet federal motor vehicle safety standards in effect on
- 4 July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or
- 5 tracked vehicle, that is designed to be used primarily off of a highway, and that has,
- 6 and was originally manufactured with, all of the following:

INSERT 2-19

✓

- 7 **SECTION 2.** 23.33 (1) (ng) 2. of the statutes is renumbered 23.33 (1) (ng) 2.
- 8 (intro.) and amended to read:
- 9 23.33 (1) (ng) 2. (intro.) A commercially designed and manufactured motor
- 10 driven device ~~that has~~ to which all of the following applies:
- 11 a. It has a net weight, without fluids, of more than 900 pounds, that is originally
- 12 manufactured with but not more than 2000 pounds.
- 13 b. It has a width of 50 inches or less, ~~that,~~
- 14 c. It is equipped with a seat designed to be straddled by the operator, ~~and that~~
- 15 ~~is designed by the manufacturer to travel,~~
- 16 d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

Barman, Mike

From: Scholz, AJ
Sent: Wednesday, September 11, 2013 3:14 PM
To: LRB.Legal
Subject: Draft Review: LRB -2944/1 Topic: Definition changes for ATVs and UTVs

Please Jacket LRB -2944/1 for the ASSEMBLY.